

Remarks

Claims 1-7, 9-12, 23, 24, 26-30 and 34-36 are pending in the application. Claims 23, 24, 26-30 and 35 were objected to and claims 1-7, 9-12, 34 and 36 were rejected. By this Amendment, claims 1, 4 and 36 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Claims 1-5, 9-12, 34 and 36 were rejected under §102(e) as being anticipated by U.S. Patent No. 6,082,817 to Müller (hereinafter "Müller '817"). In the Office Action, the Examiner stated that he considered frame 26 in Müller '817 to be a rear part and head restraint 45 to be a front part (see Office Action, page 4). Applicants do not believe that frame 26 can properly be considered a "rear part" since it is contained inside the headrest body 45 (see Figure 3 which shows frame 26 positioned inside the headrest body 45; note the break line near the upper left corner). As such, Applicants respectfully believe that a *prima facie* case has not been established.

However, even if frame 26 was a rear part, Applicants believe that amended claims 1 and 36 overcome the rejection. Amended claims 1 and 36 recite a head restraint having a front part "configured to contact a seat occupant and pivotable with respect to the rear part, the front part being pivotally connected to the rear part along a horizontal rotation axis." Müller '817 does not disclose a head restraint as claimed. Instead, Müller '817 discloses a headrest body 45 attached to a frame 26 by a plurality of swiveling levers 24, 25, 39, 40. Applicants believe that the swiveling levers in Müller '817 cannot be considered a "front part" since they are not configured to contact a seat occupant. Since the swiveling levers are not a front part, the headrest body 45 in Müller '817 is not a front part that is both pivotable with respect to a rear part and pivotally connected to the rear part along a horizontal rotation axis as required by amended claims 1 and 36. As a result, Applicants believe the rejection of claims 1 and 36 has been overcome. Since claims 2-5, 9-12, and 34 depend on

amended claim 1, Applicants believe the rejection of these claims has been overcome for the same reasons.


Rejection Under 35 U.S.C. § 103

Claims 6 and 7 were rejected under § 103(a) as being unpatentable over Müller '817. Claims 6 and 7 depend on amended claim 1. As a result, the rejection of claims 6 and 7 is believed to be moot for the reasons previously discussed.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,
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